

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TEXAS MEDICAL ASSOCIATION, et
al.,

Plaintiffs,

V.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
et al.,

Defendants.

Case No. 6:22-cv-450-JDK

Lead Consolidated Case

LIENET, INC., et al.,

Plaintiffs,

V.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
et al.,

Defendants.

Case No. 6:22-cv-453-JDK

ORDER CONSOLIDATING CASES AND SETTING SUMMARY JUDGMENT BRIEFING SCHEDULE

Before the Court is the parties' joint motion to consolidate these cases and to set a summary judgment briefing schedule in this case (Docket No. 21). The Court hereby **GRANTS** the motion.

Federal Rule of Civil Procedure 42(a) provides that when actions involving common questions of law or fact are pending before the Court, the Court may order the actions consolidated or conduct a joint hearing or trial. These two cases present

common issues of law and fact and should be consolidated. Accordingly, for the purposes of judicial economy and efficiency, the Court **ORDERS** that these two cases are **CONSOLIDATED**, with Case No. 6:22-cv-450 as the lead case. All future docket entries should be made only in the lead case except for orders reflecting a final disposition.


It is further **ORDERED** that the briefing schedule for summary judgment in this case is as follows:

Plaintiffs' motions for summary judgment	January 17, 2023
<i>Amicus curiae</i> briefs supporting plaintiffs	January 31, 2023
Defendants' opposition/cross-motion for summary judgment	March 3, 2023
<i>Amicus curiae</i> briefs supporting defendants	March 17, 2023
Plaintiffs' oppositions/replies in support of summary judgment	March 24, 2023
Defendants' reply in support of summary judgment	April 14, 2023

Plaintiffs in each of the two consolidated cases may file (i) separate summary judgment motions of up to 30 pages each and (ii) separate opposition/reply briefs of up to 30 pages each. Defendants may file (i) a single consolidated opposition/cross-motion for summary judgment of up to 50 pages and (ii) a single consolidated reply brief of up to 30 pages. *Amicus curiae* need not move for leave before filing briefs.

Finally, Defendants' obligation to answer the complaints in these actions is waived.

So **ORDERED** and **SIGNED** this **12th** day of **January, 2023**.


 JEREMY D. KERNODLE
 UNITED STATES DISTRICT JUDGE